

REMARKS

Claims 1-16 were pending in the above-captioned patent application prior to this amendment. Claims 17-25 were canceled previously. In this Amendment, claim 1 is amended, claims 2-16 are canceled, and new claims 26-37 are added. Thus, after this Amendment claims 1 and 26-37 remain pending in the application.

The examiner objected to the drawings under 37 C.F.R. § 1.83(a) as not showing the cross section of the gusset and not showing the internal wire of the piping. Gusset 3C is shown in Fig. 3. No claim references the cross section of the gusset. Thus, as to the term "gusset" recited in the claims, the drawings show this claim element. After this amendment, no claim mentions the wire internal to the piping. Accordingly, it is respectfully requested that the objection to the drawings under 37 C.F.R. § 1.83(a) be withdrawn.

The examiner rejected claim 3 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Claim 3 has been canceled thereby rendering this rejection moot. Furthermore, none of the claims currently pending in the present application have the wording contained in canceled claim 3 which the examiner found unsupported by the written description.

The examiner rejected claims 6 and 9-13 under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 6 and 9-13 have been canceled thereby rendering this rejection moot. The language that the examiner found to be indefinite no longer appears in any of the pending claims.

The examiner rejected claims 1-4, 7, 8, 11 and 13 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0056511 A1 to Hsieh. Claims 2-4, 7, 8, 11 and 13 have been canceled thereby rendering this rejection moot as to those claims. Claim 1, as amended herein, recites, among other things, "wherein the lid and base forming sections are hinged connected together by means of a Zip fastener arrangement that provides both an opening and closing facility for the suitcase and additionally selective

expansion of a storage volume of the suitcase” and also recites “wherein the lid and base forming sections comprise foamed plastics material.” Hsieh does not teach that lid and base sections of a case are hinged connected by a zip fastener arrangement that also provides for expansion of a storage volume. In addition, nowhere does Hsieh teach or suggest the lid and base sections comprising foamed plastics material. Accordingly, claim 1 and all claims that depend therefrom are not anticipated by Hsieh. Withdrawal of the 35 U.S.C. § 102(e) rejection based on Hsieh is respectfully requested.

The examiner rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Hsieh in view of U.S. Patent Application Publication No. 2004/0231941 to Van Hoyle et al. or U.S. Patent No. 5,248,542 to Lee. The examiner rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Hsieh in view of U.S. Patent No. 3,443,671 to Dyke or UK Patent No. 2,173,393 to Chun Wen. The examiner rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Hsieh in view of U.S. Pat. No. 4,782,248 to Workman or U.S. Patent No. 1,751,936 to Lowe. Claims 6, 9 and 14 have been canceled thereby rendering each of these rejections moot.

The examiner rejected claims 1-3 and 8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,003,646 to Paulder. Claims 2, 3 and 8 have been canceled thereby rendering this rejection moot as to those claims. Claim 1, as amended herein, recites, among other things, “wherein a pair of wheels is provided at one end of the base forming section.” Paulder’s luggage bag has no wheels. Accordingly, claim 1 and all claims that depend therefrom are not anticipated by Paulder. Withdrawal of the 35 U.S.C. § 102(b) rejection based on Paulder is respectfully requested.

The examiner rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Paulder in view of U.S. Patent No. 6,102,172 to Dercole or U.S. Patent No. 3,606,372 to Browning. The examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Paulder in view of U.S. Patent No. 2,912,080 to Ikleheimer. The examiner rejected claims 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Paulder in view of Lee or U.S. Patent No. 5,004,519 to Natho et al. The examiner rejected claims 8, 9, 10, 14 and 16 under 35 U.S.C. §

103(a) as being unpatentable over Paulder in view of Dyke or Chun Wen. The examiner rejected claims 11-13 under 35 U.S.C. § 103(a) as being unpatentable over Paulder in view of U.S. Patent No. 1,616,632 to Mastrantonio. The examiner rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Paulder in view of Workman or Lowe. Claims 4-16 have been canceled thereby rendering each of these rejections moot.

The examiner rejected claims 1-4, 6-8 and 11-14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Design Patent No. D492,110 to Van Himbeek et al. in view of either Lee or Natho et al. Claims 2-4, 6-8 and 11-14 have been canceled thereby rendering this rejection moot as to those claims. Claim 1, as amended herein, recites, among other things, "wherein the lid and base forming sections are hinged connected together by means of a Zip fastener arrangement that provides both an opening and closing facility for the suitcase and additionally selective expansion of a storage volume of the suitcase." Neither Van Himbeek et al. nor Lee nor Natho et al. teach that lid and base sections of a case are hinged connected by a zip fastener arrangement that also provides for expansion of a storage volume. Thus, after combining Van Himbeek et al. with either of Lee or Natho et al., the resulting combination would not have all of the elements recited in claim 1 as amended herein. Accordingly, claim 1 and all claims that depend therefrom are patentable over Van Himbeek et al. in view of Lee or Natho et al. Withdrawal of the 35 U.S.C. § 103(a) rejection based on Van Himbeek et al. in view of Lee or Natho et al. is respectfully requested.

The examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Van Himbeek et al. in view of Ikleheimer. The examiner rejected claims 9-11 under 35 U.S.C. § 103(a) as being unpatentable over Van Himbeek et al. in view of Dyke or Chun Wen. The examiner rejected claims 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Van Himbeek et al. in view of Lee or Natho et al. and further in view of Workman or Lowe. Claims 5, 9-11, 15 and 16 have been canceled thereby rendering each of these rejections moot.

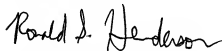
Claim 1, as amended herein, includes limitations that are similar to some of the limitations recited in claims 1, 2, 3, 6, 8, and 12 as filed. It is submitted that the combination of

elements now recited in claim 1 is patentable over the prior art of record. Accordingly, the application is in condition for allowance and such action is respectfully requested.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and that shortages in fees, if any, be charged to the Account of Barnes & Thornburg, Deposit Account No. 10-0435, with reference to our file 38566-79926.

Respectfully submitted,

BARNES & THORNBURG LLP

A handwritten signature in dark ink, appearing to read "Ronald S. Henderson". The signature is fluid and cursive, with the first name "Ronald" and last name "Henderson" clearly distinguishable.

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